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10/824,039	04/14/2004	Dany Sylvain	7000-338	6036
27820 7590 03/24/2009 WITHROW & TERRANOVA, P.L.L.C. 100 REGENCY FOREST DRIVE SUITE 160 CARY, NC 27518				
EXAMINER				
GAY, SONIA L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

10/824,039

Applicant(s)

SYLVAIN, DANY

Examiner

SONIA GAY

Art Unit

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 January 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-42 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-42 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SG/US)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment submitted on 1/13/2009 in which claims 1 – 42 are presented for examination.

Claims 1, 2, 4-8, and 12-17 recite the language "adapted to". MPEP 2106 (II C) states "the subject matter of a properly construed claim is defined by the terms that limit its scope. It is this subject matter that must be examined. As a general matter, the grammar and intended meaning of terms used in a claim will dictate whether the language limits the claim scope.

Language that *suggests* or *makes optional* but does not require steps to be performed or does not limit a claim to a particular structure does not limit the scope of a claim or claim language. The following examples of language that may raise a question as to limiting effect of the language in a claim:

- A. statements of intended use of field or use,
- B. "adapted to" or "adapted for" clauses,
- C. "wherein" clauses,
- D. "whereby" clauses.

This list of examples is not intended to be exhaustive. See also MPEP 2111.04."

Since "adapted to" suggests or make optional the limitations following the claim language, these limitations may not be given weight in future office actions.

Response to Amendment

1. The declaration filed on 1/13/2009 under 37 CFR 1.131 is sufficient to overcome the US 2005/018372 reference.

Claim Rejections - 35 USC § 103

2. Claims 1- 4, 7, 9-11, 19, 22-25, 28, 30 – 32, 40, and 42 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934).

For claims 1 and 22, Mayer et al. discloses a personal communication device and method for supporting a plurality of communication clients in a personal communication service device comprising:

- a) at least one packet communication interface (*sip protocol stack*, [0031]);
- b) a control system associated with the at least one packet communication interface] and adapted to ([0031] [0052][0053]):
 - i) provide a plurality of packet communication clients which are associated with a unique ID([0031][0032] [0056]);
 - ii) establishing packet communications with each of the plurality of packet communication clients via at least one packet communication interface ([0031 – 0037] [0049]).

Yet, Mayer fails to teach that the plurality of packet communication clients are associated with unique IDs for facilitating packet communications with the plurality of packet communication client.

However, Westman discloses a personal communication device wherein the device comprises profiles for and registers several unique IDs for the purpose of facilitating communications with the personal communication device ([0005][0006][0010][0013][0016][0018][0033][0041][0049][0053]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer with the teachings of Westman et al. to assign unique IDs to the plurality of packet communication clients for the purpose of facilitating packet communications with the personal communication device according to profiles associated with unique IDs.

For claims 2 and 23, Mayer further discloses a user interface associated with the control system wherein the user interface and the control system are adapted to cooperate to provide a single interface for each of the plurality of communication clients (Mayer, [0054]).

For claims 3 and 24, Westman et al. further discloses wherein a user selects certain of the plurality of packet communication clients that are active at any given time (Westman et al., [0052][0053]).

For claims 4 and 25, Westman et al. further discloses wherein the control system is further adapted to combine certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and make the communication information available to a user via the user interface (Westman et al., [0024] [0050]).

For claims 7 and 28, Mayer further discloses wherein the control system is further adapted to register each of the plurality of packet communication clients with at least one service node to enable communications (Mayer, Fig.2; [0033]).

For claims 9 and 30, Westman et al. further discloses wherein a first of the plurality of packet communication clients is associated with a personal communication ID and a second of

the plurality of packet communication clients is associated with a business related communication ID (Westman et al., Fig.3, [0006][0009]).

For claims 10 and 31, Mayer further discloses wherein the at least one packet communication interface facilitates wireless communications (Mayer, [0026][0057]).

For claims 11 and 32, Mayer further discloses wherein the at least one packet communication interface facilitates wired communications (Mayer, [0026] [0057]).

For claims 19 and 40, the teachings of Mayer and Westman et al. further disclose wherein the unique IDs are Session Initiation Protocol IDs (Mayer, [0008])(Westman et al., Fig.3; [0006])

For claims 31 and 42, Mayer further discloses wherein each of the plurality of packet communication clients may initiate and terminate communication sessions (Mayer, [0031]).

3. Claims 5 - 6 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934), and further in view of Benco et al. (US 2005/0170854).

For claims 5 and 26, the teachings of Mayer and Westman et al. fail to teach the control system storing certain communication information associated with the packet communications for each of the plurality of packet communication clients in a separate database and make the communication available to a user via the user interface.

However, Benco et al. discloses the following: a wireless network that stores certain communication information associated with multiple directory numbers (DNs) of a multi-line mobile device into separate databases (Abstract; Figure 1, 28, 30, 36 and [0023]) for the purpose

of providing distinct and independent wireless service to each number of a single mobile device ([0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer and Westman et al. with the teachings of Benco et al. wherein the data storage of the communication device disclosed in Gupta et al. contains separate databases for storing communication information such as voice messages for each of the plurality of packet communication clients exclusive/inclusive of the at least one non-packet communication client for the purpose of maintaining distinct and independent services for each of the communication clients.

For claims 6 and 27, Westman et al. further discloses wherein the control system is further adapted to combine certain communication information associated with the packet communications for each of the plurality of packet communication clients into a common database and make the communication information available to a user via the user interface (Westman et al., [0024] [0050]).

4. Claims 8 and 29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934), and further in view of Jonsson (US 6,574,467).

For claims 8 and 29, the teachings of Mayer and Westman et al. fail to teach wherein the control system is further adapted to register certain of the plurality of packet communication clients with different service nodes.

However, Jonnson discloses a personal communication device wherein the device comprises several subscriber numbers wherein contacting each subscriber number invokes a connection to separate service node for the purpose of accessing services of the service node (column 4 lines 10 – 31; column 7 lines 55 - column 8 line 15, 43 - 60).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer and Westman et al. with the teachings of Jonnson so that the unique IDs disclosed within the teachings of Mayer and Westman et al. are registered with different service nodes for the purpose of accessing different services provided by the separate service nodes.

5. Claims 12-15 and 33 – 36 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934), and further in view of Gupta et al. (US 2004/0131078).

For claims 12-13 and 22 – 24, Mayer fails to teach a cellular of non-packet interface associated with the control system, the control system further adapted to provide a cellular or non-packet communication client associated with at least one cellular directory or directory number and establish cellular or non-packet communications via the cellular communication interface.

However, Gupta discloses a personal communication device wherein a cellular or non-packet interface is associated with the control system for the purpose of providing a cellular or non-packet communication client associated with at least one cellular directory or directory number and establish cellular or non-packet communications via the cellular communication interface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer with the teachings of Gupta so that the personal communication device which communications across a cellular domain as disclosed in Mayer ([0027]) comprises a cellular or non-packet interface for the purpose a cellular or non-packet communication client associated with at least one cellular directory or directory number and establish cellular or non-packet communications via the cellular communication interface.

For claims 14 and 35, the teachings of Mayer and Gupta further discloses a user interface associated with the control system wherein the user interface and the control system are adapted to cooperate to provide a common interface for each of the plurality of packet communication clients and the at least one non-packet communication client (Mayer, [0054]) (Gupta et al., [0048][0051][0052][0055][0057]).

For claims 15 and 36, Westman et al. further discloses wherein the control system is further adapted to combine certain communication information associated with the packet and non-packet communication for each of the plurality of packet communication clients and the at least one non-packet communication client into a common database and make the

communication information available to a user via the user interface (Westman et al., Fig.2, Fig. 3, [0006][0024] [0050]).

6. Claims 16-18 and 36- 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934), and further in view of Gupta et al. (US 2004/0131078), and further in view of Benco et al. (US 2005/0170854).

For claims 16 – 17 and 37 - 38, the teachings of Mayer and Westman et al. and Gupta et al. fail to teach the control system storing certain communication information associated with the packet communications and non-packet communication for each of the plurality of packet communication clients and the at least one non-packet communication client in a separate database and make the communication available to a user via the user interface.

However, Benco et al. discloses the following: a wireless network that stores certain communication information associated with multiple directory numbers (DNs) of a multi-line mobile device into separate databases (Abstract; Figure 1, 28, 30, 36 and [0023]) for the purpose of providing distinct and independent wireless service to each number of a single mobile device ([0019]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer and Westman et al. with the teachings of Benco et al. wherein the data storage of the communication device disclosed in Gupta et al. contains separate databases for storing communication information such as voice messages for

each of the plurality of packet communication clients exclusive/inclusive of the at least one non-packet communication client for the purpose of maintaining distinct and independent services for each of the communication clients.

For claims 6 and 27, Westman et al. further discloses wherein the control system is further adapted to combine certain communication information associated with the packet communications for each of the plurality of packet communication clients and non-packet communication clients into a common database and make the communication information available to a user via the user interface (Westman et al., [0024] [0050]).

For claims 18 and 39, the teachings of Mayer and Westman et al. fail to teach wherein the communication information includes at least one of the group consisting of call logs, messages, contact information, and directory information.

However, Benco discloses a personal communication device wherein the communication information stored in the database includes at least one of the group consisting of call logs, messages, contact information, and directory information for the purpose of facilitating communication (Benco, [0023]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer and Westman et al. with the teachings of Benco wherein the communication information stored in the database includes at least one of the group consisting of call logs, messages, contact information, and directory information for the purpose of facilitating communication.

7. Claims 20 and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mayer (US 2004/0243680), and further in view of Westman et al. (US 2004/0122934), and further in view of Gupta et al. (US 2004/0131078).

For claims 20 and 41, the teachings of Mayer and Westman et al. fail to teach wherein different ones of the packet communications are established through different access points at different locations.

However, Gupta discloses a personal communication device wherein different ones of packet communication sessions are established through different access points at different locations for the purpose of facilitating packet communications with the personal communication device ([0015][0043]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Mayer and Westman et al. with the teachings of Gupta et al. wherein the different packet communication sessions established through the personal communication device disclosed above in Mayer are established through different access points at different locations for the purpose of facilitating packet communications with the personal communication device.

Response to Arguments

8. Applicant's arguments with respect to the rejection(s) of claim(s) 1- 42 have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Sonia Gay/

Examiner, Art Unit 2614

March 19, 2009

/Ahmad F. Matar/

Supervisory Patent Examiner, Art Unit 2614